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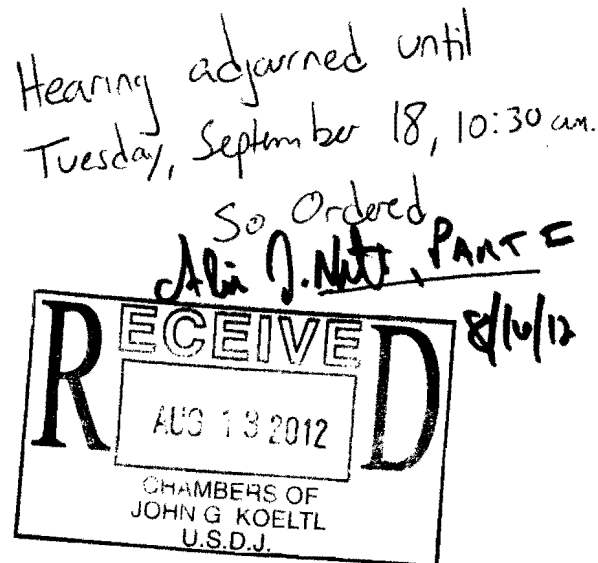
OF COUNSEL

Admitted in  
Maryland, Virginia, District of Columbia

August 13, 2012

**VIA FACSIMILE**

Honorable John G. Koeltl  
United States District Court  
Courtroom 12B  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1213  
Facsimile: (212) 805-7912



**Re: Feist v. RCN Corp., No. 11-Civ-5436**

Dear Judge Koeltl:

On behalf of Paxfire, Inc., the Defendant and Counterclaim Plaintiff in the above litigation, I write to seek a continuance of the hearing now set for August 31, 2012 in this matter as to any portion of the hearing that may pertain to the motion to dismiss filed by Plaintiff and Counterclaim Defendant Betsy Feist (Doc. No. 47).<sup>1</sup> The hearing was set for this date by order issued on Friday, August 10, 2012.

As counsel for Paxfire I will argue all pending dispositive motions. I will be out of the country from August 27<sup>th</sup> to September 8<sup>th</sup>.

I have discussed this with counsel for Plaintiff Betsy Feist and Codefendant RCN Corp. RCN Corp. has no objection to this request. Counsel for Plaintiff Feist has no objection, but

<sup>1</sup> A request pertaining to the scheduling of expert witness designations has been submitted, by letter, by Defendant RCN Corporation. Paxfire will submit its position (if any) by letter without argument.

requests that any new date for the hearing be scheduled for either September 10<sup>th</sup> or between September 19<sup>th</sup> and 21<sup>st</sup>, which is acceptable to Paxfire.<sup>2</sup>

Sincerely,



Andrew Grosso  
Counsel for Paxfire, Inc.

cc: All counsel of record.

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<sup>2</sup> I have been noticed for jury duty in D.C. Superior Court beginning September 19<sup>th</sup>, which I have already moved once due to the above described travel. However, with a new order from this Court rescheduling the instant hearing, I will seek to move this obligation to yet another date as may be necessary.